

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Baldo Law Firm
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In Re:

Case No.: 19-33073 (MBK)

MICHAEL AND DIANA FARETTY,

Chapter: 13

Debtors.

Hearing Date: 4/8/2020 at 10:00 AM

Judge: Kaplan

**CERTIFICATION OF DARREN M. BALDO, ESQ.
IN REPLY TO TRUSTEE'S OBJECTION TO
DEBTOR'S SECOND MODIFIED CHAPTER 13 PLAN**

I, DARREN M. BALDO, ESQ., hereby certify as follows:

1. I am an attorney at law of the State of New Jersey admitted in 1998 in this state and 2003 in this district.
2. I am the sole member of the above-captioned law firm and charged with the handling of the above-captioned matter on behalf of the Debtors Michael and Diana Faretty (the "Debtors").
3. I file this Certification in Reply to the trustee's objection to the Debtors' Second Modified Chapter 13 Plan.
4. Debtors filed their Second Modified Chapter 13 Plan on February 20, 2020.

5. Debtors have moved to strip the lien in excess of the fair market value of the Ford Explorer which is only \$2,500.
6. Debtors provided trustee with proof of value of the Ford Explorer as only worth \$2,500.
7. Debtors are current with their pre-confirmation plan payments to the trustee.
8. Debtors served the trustee and all parties in interest on February 20, 2020 of their Second Modified Plan.
9. Under the Second Modified Plan, Debtors will pay all unsecured creditors in full pro-rata plus all of the arrears to their mortgage lender (M&T Bank).
10. Because Debtors will repay 100% of their unsecured debts and 100% of their mortgage arrears under their Second Modified Chapter 13 Plan, Debtors' income is irrelevant and no revised income schedules are necessary at this time.
11. The trustee's calculations of Debtor's disposable income is incorrect, but it is a moot point because Debtors will pay unsecured creditors and the mortgage arrears in full under their Second Modified Chapter 13 Plan.
12. It is Debtors' position that their Second Modified Plan should be confirmed with interest payable to One Main Financial only on \$2,500 of the principal but that the rest of the secured lien becomes unsecured.

WHEREFORE, Debtors respectfully request that, in accordance with the foregoing,

Trustee's objection is denied and that Debtors Second Modified Plan is confirmed.

I hereby certify that the foregoing statements are true and that if any of the foregoing statements are willfully false, I realize that I am subject to punishment.

Dated: February 28, 2020

/s/ Darren M. Baldo

Darren M. Baldo, Esq.
Attorney for Debtors Michael and Diana Faretty